

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSHUA HERRERA,
Plaintiff,

v.

J. ORTEGA, et al.,
Defendants.

Case No. 20-02035 BLF (PR)

**ORDER GRANTING MOTION
FOR EXTENSION OF TIME TO
FILE AMENDED COMPLAINT**

(Docket No. 11)

Plaintiff, a state prisoner, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against prison staff at Salinas Valley State Prison (“SVSP”). Dkt. No. 1. On September 3, 2020, the Court dismissed the complaint with leave to amend the First Amendment retaliation claim against any named Defendant; all the other claims were dismissed for failure to state a claim. Dkt. No. 10 at 2-5. Plaintiff was directed to file an amended complaint within twenty-eight days from the date the order was filed. *Id.* at 5-6.


Plaintiff has filed a motion for an extension of time to file an amended complaint due to limited access to the law library. Dkt. No. 11. Good cause appearing, the motion is **GRANTED**. Within **twenty-eight (28) days** from the date this order is filed, Plaintiff shall file an amended complaint using the court’s form complaint to attempt to state sufficient facts to state a First Amendment retaliation claim. The amended complaint must include

1 the caption and civil case number used in this order, *i.e.*, Case No. C 20-02035 BLF (PR),
2 and the words "AMENDED COMPLAINT" on the first page. Plaintiff must answer all
3 the questions on the form in order for the action to proceed. Plaintiff is reminded that the
4 amended complaint supersedes the original, and Plaintiff may not make references to the
5 original complaint. Claims not included in the amended complaint are no longer claims
6 and defendants not named in an amended complaint are no longer defendants. *See Ferdik*
7 *v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.1992).

8 **Failure to respond in accordance with this order by filing an amended**
9 **complaint in the time provided will result in the dismissal of this action without**
10 **prejudice and without further notice to Plaintiff.**

11 **IT IS SO ORDERED.**

12 **Dated: __October 20, 2020__**


BETH LABSON FREEMAN
United States District Judge